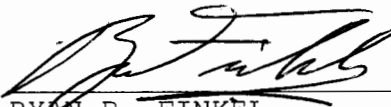


18 MAG . 43 40

ORIGINAL

Approved: 

RYAN B. FINKEL

Assistant United States Attorney

Before: THE HONORABLE KATHARINE H. PARKER
 United States Magistrate Judge
 Southern District of New York

----- X	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 1028A,
	:	1542 and 2
FNU LNU,	:	
a/k/a "Hernan Sanchez,"	:	
a/k/a "Gordo Sanchez,"	:	COUNTY OF OFFENSE
a/k/a "Juan Rios,"	:	NEW YORK
a/k/a "Juan Guillermo,"	:	
a/k/a "Oswaldo Agudelo,"	:	
a/k/a "Ivan Carlos Castano,"	:	
Defendant.	:	
----- X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

JENNY D. SMOOT, being duly sworn, deposes and says that he is a Special Agent with the Diplomatic Security Service ("DSS"), and charges as follows:

COUNT ONE

(False Statement in Application for Passport)

1. On or about April 3, 2018, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Hernan Sanchez," a/k/a "Gordo Sanchez," a/k/a "Juan Rios," a/k/a "Juan Guillermo," a/k/a "Oswaldo Agudelo," a/k/a "Ivan Carlos Castano," the defendant, willfully and knowingly did make false statements in an application for a passport with intent to induce and secure the issuance of a passport under the authority of the United States, for his own use and the use of another, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, to wit, LNU submitted a United States passport application containing false information about

his identity, including a false name, place of birth, and Social Security Number.

(Title 18, United States Code, Sections 1542 and 2.)

COUNT TWO

(Aggravated Identity Theft)

2. On or about April 3, 2018, in the Southern District of New York and elsewhere, FNU LNU, a/k/a "Hernan Sanchez," a/k/a "Gordo Sanchez," a/k/a "Juan Rios," a/k/a "Juan Guillermo," a/k/a "Oswaldo Agudelo," a/k/a "Ivan Carlos Castano," the defendant knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, LNU possessed, used, and transferred the personal identification information of another person in connection with his fraudulent passport application, as charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the DSS. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Through my training and experience as a DSS Special Agent, I have learned the following about the passport application process:

a. To obtain a United States passport, an individual must submit a passport application with information such as the applicant's name, date of birth, Social Security Number, and address. A photograph of the applicant must be affixed to the application.

b. The applicant must appear in person before a passport acceptance agent. Before approving any application for a passport, the passport acceptance agent will require the applicant to provide photo identification and proof of citizenship, such as a driver's license and birth certificate, and will verify that the applicant appears to be the same person as the person in the photo identification as well as the same person in the photograph affixed to the passport application. The applicant must then sign the application, thereby certifying that the information on the application is true and correct.

c. If the application is approved, the applicant will be issued a United States passport.

5. Based on my conversations with other law enforcement officers, my review of records maintained by law enforcement, and my review of notes of interviews conducted by other law enforcement officers, I have learned, among other things, the following:

a. On or about April 3, 2018, FNU LNU presented an application for a United States passport ("2018 Application"). The 2018 Application was made in the name of a particular individual ("Identity-1") and listed a particular social security number ("SSN-1") as the applicant's social security number. The 2018 Application also included a particular date of birth in the year 1969 ("DOB-1"). The 2018 Application included a particular photograph ("Photograph-1") as a photograph of the applicant. The 2018 Application included a particular signature in the name of Identity-1 ("Signature-1").

b. In support of the 2018 Application, FNU LNU presented a birth certificate issued by Puerto Rico ("Birth Certificate-1") in the name of Identity-1, a New York State Driver's License in the name of Identity-1 ("License-1"), and a social security card with SSN-1 and a particular signature ("Signature-2"). While the birth certificate and New York State Driver's License were in the name of Identity-1 they each listed a particular date of birth ("DOB-2") in 1959 but that otherwise matched the date and month of DOB-1.

c. The 2018 Application was presented by FNU LNU to an Acceptance Agent at the New York Passport Agency in Manhattan, New York. The Acceptance Agent asked FNU LNU several questions and reviewed the 2018 Application. That initial review raised suspicions due to, among other things, that Signature-2 did not convincingly match Signature-1 and because

DOB-1, the date of birth listed on the 2018 Application, did not match DOB-2, the date of birth on both Birth Certificate-1 and License-1.

d. As a result of the Acceptance Agent's suspicions, on or about April 3, 2018, a Fraud Prevention Manager ("FPM") at the New York Passport Agency reviewed Government records associated with Identity-1 and learned that Identity-1 was associated with an address in Pennsylvania. However, FNU LNU stated to the FPM that he had never resided anywhere other than in Puerto Rico and Brooklyn, New York. FNU LNU also stated to the FPM that he had a twin brother with whom he shared a birthday.

e. On or about April 3, 2018, two DSS special agents conducted a voluntary interview of FNU LNU. FNU LNU provided answers to the agents' questions that were inconsistent with information LNU provided to the FPM. For example, LNU stated that his brother was born in 1960 and was not his twin. The DSS special agents asked if LNU would provide a written statement concerning his identity and also provide his fingerprints. LNU declined.

f. Law enforcement agents ran the photograph of LNU on License-1 ("Photograph-2") through facial recognition software. Facial recognition software associated Photograph-2 with a New York State e-Justice rap sheet ("Rap Sheet-1"). Rap Sheet-1 was associated with an individual bearing four aliases: "Hernan Sanchez," "Gordo Sanchez," "Juan Rios," and "Juan Gillermo." The dates of birth associated with those four aliases neither match DOB-1 nor DOB-2. Rap Sheet-1 contains a photograph of the individual associated with it ("Photograph-3"). Law enforcement officers, including those that interviewed FNU LNU, reviewed Photograph-3 and believe Photograph-3 depicts LNU. Moreover, the individual depicted in Photograph-3 appears to be the same individual depicted in Photograph-1 and Photograph-2.

g. Rap Sheet-1 was associated with a particular FBI number ("FBI Number-1"). From my training and experience, I know that FBI numbers are assigned to a specific set of fingerprints such that each FBI number is associated with a unique individual and all arrests and convictions associated with an individual's fingerprints are thereby also associated with their unique FBI number. FBI Number-1 is associated with several other aliases including "Oswaldo Agudelo" and "Ivan Carlos Castano." In and around 1992, "Oswaldo Agudelo," was

arrested in Virginia, and in connection with that arrest "Oswaldo Agudelo" was photographed ("Photograph-4"). In addition, when "Ivan Carlos Castano," was arrested in Connecticut his photograph was taken ("Photograph-5"). Law enforcement officers, including those that interviewed FNU LNU, reviewed Photograph-4 and Photograph-5 and believe that Photograph-4 and Photograph-5 each depict LNU. Moreover, the individual depicted in Photograph-4 and Photograph-5 appears to be the same individual depicted in Photograph-1, Photograph-2 and Photograph-3.

h. On or about April 12, 2018, FNU LNU called one of the DSS agents that had interviewed him on or about April 3, 2018, to inquire about the status of the 2018 Application. The DSS agent indicated that Birth Certificate-1 had to be verified. Later that same day an individual purporting to be "Identity-1's" attorney contacted the same DSS agent and inquired about the 2018 Application. That attorney was also told that the Birth Certificate-1 had to be verified.

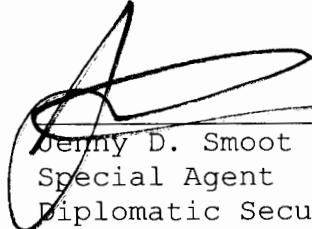
i. Law enforcement officers searched Government databases in Puerto Rico and located a Puerto Rican identity card issued by the Government of Puerto Rico ("Card-1") bearing the same name as Identity-1, DOB-2, a particular address in Puerto Rico ("Address-1") and a photograph ("Photograph-6"). Law enforcement officers, including those that interviewed FNU LNU, reviewed Photograph-6 and believe that it does not depict the same individual depicted in Photograph-1, Photograph-2, Photograph-3, Photograph-4 or Photograph-5.

j. On or about April 23, 2018, law enforcement officers interviewed an individual who identified himself with the same name as Identity-1 ("Victim-1"). Victim-1 was shown the 2018 Application and Photograph-1. Victim-1 stated, in sum and substance, that he did not know the person in Photograph-1. Victim-1 also confirmed that DOB-2 and SSN-1 were his personal identifying information. Victim-1 confirmed the individual on Card-1 was himself. Victim-1 also stated, in sum and substance, that he had lost his wallet in the past. Victim-1 signed a written statement in which Victim-1 affirmed that he understood that any false statements made to law enforcement agents concerning these topics would subject him to criminal penalties.

k. On or about April 23, 2018, law enforcement officers in Puerto Rico interviewed an individual who identified herself as the mother of Victim-1. Victim-1's mother was shown the 2018 Passport Application and Photograph-1. She provided a


written statement signed under the penalty of perjury that stated, in sum and substance, that she did not recognize the individual depicted in Photograph-1 but did recognize the personal identifying information on the 2018 Application as information associated with her son.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of FNU LNU, a/k/a "Hernan Sanchez," a/k/a "Gordo Sanchez," a/k/a "Juan Rios," a/k/a "Juan Gillermo," a/k/a "Oswaldo Agudelo," a/k/a "Ivan Carlos Castano," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



Jenny D. Smoot
Special Agent
Diplomatic Security Service

Sworn to before me this
21th day of May, 2018



THE HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK